MASTER AND SERVANT—DUTY TO MAKE RULES—TEST OF REASONABLENESS.—D, a car inspector in the employ of the defendant, lost his life while in the performance of his duties. His administratrix brought suit against the company, claiming that the company had failed to make, promulgate and enforce reasonable rules for the protection of its servants. There had been a printed rule on the subject, though not enforced; in its place a parol rule was substituted, the contents of which do not appear to have been disputed. The trial court allowed the jury to decide whether this rule was reasonable. On appeal, *Held*, that it was proper to submit the reasonableness of the rule to the jury. *Devoe* v. *New York Central Railroad Co.* (1903), — N. Y. —, 66 N. E. Rep. 568.

The court took the position that there was an essential difference between rules made for the protection of the master's interests and those made to protect the life of the servant, in determining whether the reasonableness of the regulation was for the jury or the court to decide. The cases do not seem to recognize this distinction. Where the contents are not in dispute, the reasonable of the rule is a question of law: *Railway* v. *Hammond*, 58 Ark. 324, 24 S. W. 723; *Vedder* v. *Fellows*, 20 N. Y. 126; *Railway* v. *Whittemore*, 43 Ill. 421; *Railway* v. *Rhodes*, 25 Fla. 40, 3 L. R. A. 733; *Railway* v. *Barry*, 84 Fed. Rep. 944, 43 L. R. A. 349.

MUNICIPAL CORPORATIONS—COASTING ON STREETS—LIABILITY IN CASE OF INJURY TO TRAVELERS.—Action for damages for injuries sustained. It appeared that in the winter when the streets were covered with snow, men and boys were permitted to coast down one of the streets of the city to the great danger of pedestrians, without the intervention of the city authorities. While the plaintiff was crossing the street and exercising ordinary care for his own safety, he was run down by one of the coasters with a sled and suffered injuries, for which, in this suit, he sought recovery. The city demurred to the petition. *Held*, that the municipal corporation was not liable, for, in the exercise of its control over coasting on its streets, it was acting in a public capacity and represented the state. *Dudley* v. *City of Flemingsburg* (1903), — Ky. —, 72 S. W. Rep. 327.

The matter of a city's liability in the performance of a governmental duty is regulated, expressly or impliedly, by the terms of the city's charter from the state. A civil liability for damages caused to travelers for defective or unsafe streets under the city's control has been imputed to it, but coasting has been repeatedly held not to be such a defect as would subject the city to liability. *Schultz* v. *City of Milwaukee*, 49 Wis. 254, 5 N. W. 342, 35 Am. Rep. 779; *Pierce* v. *City of New Bedford*, 129 Mass. 534, 37 Am. Rep. 387; *Roy* v. *Manchester*, 46 N. H. 59; *Hutchinson* v. *Concord*, 41 Vt. 271. In the absence of statute, then, granted that coasting is a public nuisance, its suppression is a public duty and not one in which the corporation, as such, has any particular interest or derives any special benefit. *Schultz* v. *City of Milwaukee*, *supra*; *Faulkner* v. *Aurora*, 85 Ind. 130, 44 Am. Rep. 1, 2 Am. & Eng. Corp. Cases 520. Compare with *Taylor* v. *City of Cumberland*, 64 Md. 68, 20 Atl. 1027, 54 Am. Rep. 759, where the city was held liable in the absence of reasonable diligence on the part of its officers to abate the nuisance of coasting, under a charter which empowered the council to pass ordinances for the removal of all nuisances and obstructions from the streets and to secure persons and property from damages.

NEGLIGENCE—CONTRIBUTORY—ACTION FOR CAUSING DEATH—LIABILITY OF DRUGGIST—NOTICE TO AGENT.—Plaintiff's wife sent a fourteen-year old girl to defendant's drug store to buy "ten cents worth of morphine in doses."